

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DARNELL WESLEY MOON,

Plaintiff,

v.

CAROL HOLINKA; MARION FEATHER;  
MARK KIRBY; BILL L. JONES, Chaplain;  
N. FIELDS; J. MARTEN; PHILLIP SHANKS;  
THEODORE EDGECOMB JR.; B. TRATE  
and M. RAMSDEN;

Defendants.

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ORDER

09-cv-526-slc

Plaintiff Darnell Wesley Moon, a prisoner at the Federal Correctional Institution in Oxford, Wisconsin, has submitted a proposed complaint. He requests leave to proceed *in forma pauperis*. From plaintiff's trust fund account statement, it appears that plaintiff presently has no means with which to pay an initial partial payment of the \$350 fee for filing his complaint. However, plaintiff should be aware that he is obligated to pay the \$350 filing fee, even if this court determines that he will not be permitted to proceed with his complaint *in forma pauperis* and even if he does not presently have funds with which to pay the fee. 28 U.S.C. § 1915(b)(1). His account will be monitored and the fee must be taken in monthly installments when the funds exist.

It is ORDERED that:

- (1) Plaintiff's complaint is taken under advisement. As soon as the court's calendar permits, plaintiff's complaint will be screened pursuant to 28 U.S.C. § 1915(e)(2) to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Plaintiff will be notified promptly when such a decision has been made.
- (2) Plaintiff's "Motion pursuant to 28 U.S.C. 1915(b)(2) for a reconsideration of any initial partial filing fee assessed," dkt. #4, is DENIED as unnecessary.
- (3) The Clerk of Court is requested to insure that the court's financial records reflect that plaintiff owes the \$350 fee for filing this case, in accordance with the requirements of the Prison Litigation Reform Act.

Entered this 25<sup>th</sup> day of August, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge